

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>AMRO ELANSARI,</b>	:	
<b>PLAINTIFF,</b>	:	
<b>VS.</b>	:	<b>: CASE NO: 21 - 05325</b>
<b>META, INC. D/B/A FACEBOOK</b>	:	
<b>DEFENDANT</b>	:	

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**EMERGENCY PETITION FOR RECONSIDERATION**

AND NOW, comes the Plaintiff, Amro Elansari, by and through himself, *pro se*, to file the instant emergency petition for reconsideration and in support thereof avers as follows:

**I. BASIS FOR RECONSIDERATION**

1. To correct a clear error of law or to prevent manifest injustice. Rule 59(e),

**II. ISSUES CONTESTED ON RECONSIDERATION**

2. The Plaintiff heavily contests the following points as reversible legal error on reconsideration as a matter of law:

**a. Irreparable Damages / Rhetoric Used**

- Irreparable Damage is present
- Your rhetoric that I “can simply obtain the news from another source” conflicts with “Heart of Atlanta Motel 379 U.S. 241 (1964)” constitutionally - because the individuals from that case “could have simply went to another motel”
- Barr v. City of Columbia, 378 U.S. 146 (1964) - the minorities in that case charged with criminal trespass for refusing to leave after being refused at a lunch counter “could have simply went to another place for lunch” -
- Your rhetoric in this case does not comply with civil rights law on constitutional rights - the aggrieved cannot be told by the Court of law to “simply find another place” - but rather - the Court cannot and may not condone unequal treatment / segregation / discrimination in any manner whatsoever.
- Furthermore, irreparable damages is present in the 3 years of not being informed due to Facebook’s explicit discrimination based on race and religion - particularly in the form of “time” - in that the Plaintiff will not be able to repair their time lost in the form of days being discriminated against - no monetary compensation can restore each day of continued discrimination and each day the Plaintiff is denied equal access on the basis of use - and each day the Plaintiff’s constitutional rights are infringed upon unconstitutionally -

Based on the foregoing - the Irreparable Damages is explicitly met in this matter and this is discussed in more detail in this petition and the accompanying brief.

Moreover, the court's finding that irreparable harm does not exist conflicts with existing law on irreparable harm and constitutes reversible error on reconsideration.

**b. The Public Accommodation / Physical Facilities element**

This ruling is legal error and reversible for more than one reason

1. You admit there is a split in the circuits - some of which support my position
2. You admit there is a growing trend of decisions in favor of my position -
3. You admit that the argument is that federal civil rights statutes would be thwarted if my position is not adopted - and essentially admit that the Third Circuit position thwarts federal civil rights statutes -
4. And you should recognize that the Constitutional Guarantees to Due Process and Equal Protection as the Supreme Law of the Land - and that - as expressed in "Heart of Atlanta Motel 379 U.S. 241 (1964)" and Barr v. City of Columbia, 378 U.S. 146 (1964) - the government cannot condone unequal treatment in legal holdings (even absent the civil rights act) because that in and of itself would violate the guarantee to due process and equal protection required by the U.S. Constitution -
5. If the Third Circuit condones their opinion that virtual companies can circumvent civil rights protections under this "public accommodation" and "physical facilities" element - then the Third Circuit admits that their position is unconstitutional in that it condones unequal treatment and discrimination which violates their constitutional obligation to not condone the same.
6. The physical accommodations element is also flawed because - where the hell are the servers being operated from? Out of a building in California - on U.S. Soil - that people through their phones and computers - access - which constitutes a physical presence. There is no such thing as virtual - computers and servers as just as much physical as a hotel or lunch counter.

In conclusion - this argument is unconstitutional legal error and reversible on reconsideration.

**III. CONCLUSION**

Based on the foregoing, the decision entered in the instant matter pertaining to the TRO consists of legal error.

This legal error infringes on the U.S. Constitution and Federal Civil Rights law - and this the Third Circuit opinion does not bind you to rule in their favor -

You can rule in my favor for the reasoning described herein that was not described or considered in other cases. And this can set a new precedent for 2021 civil rights considerations in the Third Circuit **that honors and protects the U.S. Constitution (Supreme Law) more than the legally flawed Third Circuit (Inferior) opinions cited.**

If you find that it is true that the Third Circuit position is constitutionally flawed - you actually have a higher obligation to enforce the U.S. Constitution over the Third Circuit opinion -

And your admitted split in the circuits shows that there is great legitimacy in my arguments.

I take those arguments a step further by saying that this flawed Third Circuit position actually conflicts with the higher law of the U.S. Constitution as it has been established and interpreted by the Supreme Court of the United States.

And for these reasons, reversing the decision in this matter on reconsideration due to legal error is warranted.

It requires you to find that likelihood of success on these claims does exist - because the U.S. Constitution is the highest law of the land - and that the split in the circuits means one side is right and one side is wrong - and that you have an obligation to take the side that affirms the guarantees in the U.S. Constitution - not the side that comes up with excuses and technicalities to circumvent the same.

I argue, herein and in my accompanying brief, that likelihood for success is high, and that irreparable damage in the form of time (which cannot be recovered with money such as in the case of selling a house) is indeed irreparable - thereby meeting the elements of a TRO to be issued pending full and final adjudication in the instant matter.

And the reasons presented herein supports my claim that the likelihood for success is high; I even point to the cases you cited - and connect them to the Constitution and interpretations made by the U.S. Constitution -

I really appreciate your careful time and consideration with your original opinion in providing justice to the issue instead of just dismissing it on TRO technicalities -

I do not appreciate your telling me to “find another news source” -

That is like telling African Americans to go eat at a different lunch counter -

There was once a Judge - in a case known as Dred Scott v. Sandford :: 60 US 393 (1856) - where the Judge ruled that the Plaintiff was a slave and a descendant of a slave and therefore not an American citizen..

That was a ‘legitimate’ judge - making a ‘legitimate’ decision -

But you and I know both know that decision is absolutely absurd and immoral and wrong in many ways -

And I fear that the decision made using the position of the Third Circuit - is wrong for the same reasons - and will be viewed similarly in the light of history

Not only will the alternative position taken by other circuits prevail - but the Judges that held the flawed Third Circuit positions will be unjust and dishonorable just like the Judge in the Dred Scott case -

Sure - you can be “right” for the time your in - but that does not make you “right” all together - it doesn’t mean it is an honorable decision - and it doesn’t mean that the decision is “good for America” - not today in 2021 - and not in the future -

I respectfully request you reconsider and REVERSE your decision for the affirmative and credible legal errors complained of herein.

I hope the points and arguments presented herein are persuasive to you as well as compelling - particularly in the binding nature of the U.S. Constitution and its guarantees.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Amro Elansari', written in a cursive style.

Dated: December 23, 2021

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Amro Elansari

Liberty And Justice For All

**IN THE UNITED STATES DISTRICT COURT  
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**BRIEF IN SUPPORT OF EMERGENCY PETITION FOR RECONSIDERATION**

AND NOW, comes the Plaintiff, Amro Elansari, by and through himself, *pro se*, to file the instant emergency petition for reconsideration and in support thereof avers as follows:

**I. LEGAL STANDARDS**

**i. Legal Definition of Irreparable Damages**

1. See Karpov v. Karpov, 555 F. App'x 146, 148 (3d Cir. 2014) (holding that the plaintiff failed to show immediate harm because she provided no evidence showing that the defendants would be “unable to satisfy the judgment from the sale of their home, or via other personal assets”); Michael v. GLD Foremost Holdings, LLC, No. 1:15-cv—2230, 2017 WL 11151118 at \*2 (M.D. Pa. Apr. 28, 2017) (denying a preliminary injunction because the court was “unable to identify evidence from the record before it that supports a finding that Plaintiff will probably be unable to recover th[e] funds, in the absence of a preliminary injunction” (quotation mark omitted)).

2. As it can be seen - the basis for “irreparable damages” - is legally defined as - damages that cannot be remedied through monetary means.

3. Time - and infringement on civil rights for a period of time - constitutes irreparable damages that cannot be remedied through monetary means.

4. Therefore, the Court’s ruling that the Plaintiff has not showed irreparable damages is legal error that should be reversed in reconsideration.

**ii. Legal Standards Pertaining To Civil Rights**

**a. Heart of Atlanta Motel**

5. “Heart of Atlanta Motel 379 U.S. 241 (1964)” pertaining to constitutionally - “Supreme Court held the Commerce Clause gave U.S. Congress the power to abide by Title II of the Civil Rights Act -

6. But they were a private business? And only intrastate (they argued). However - the Supreme Court rejected that (arguably valid argument) and chose instead to find in favor of civil rights - as more fundamentally important than private business interests -

7. “But they could just go to another motel” - is not a sufficient enough argument to override the more serious societal considerations pertaining to Civil Rights

8. Moreover, the U.S. Government cannot - through its legal system and legal holdings - condone discrimination and inequality and violation of civil rights - through Title II of Civil Rights Act - because of its obligations to Equal Protection and Due Process in the 14th Amendment - from which the Civil Rights Act stems from.

9. This Supreme Court case - based on fundamental constitutional principles and considerations - **overrides** - inferior Third Circuit flawed opinions justifying unequal treatment with flawed rhetoric such as

- “physical accommodations” and “virtual accommodations” are not the same -

that is like saying

- “Heart of Atlanta Motel is only an intrastate business and not subject to commerce clause and Civil Rights Act” -

*That's not a good enough reason or excuse to override Civil Rights / Discrimination Protections rooted in 14th Amendment Constitutional Protections and public policy.*

## ii. Supremacy Clause

10. Article VI, Paragraph 2 of the U.S. Constitution is commonly referred to as the Supremacy Clause. It establishes that the federal constitution, and federal law generally, take precedence over state laws, and even state constitutions.

11. If a provision of law violates the U.S. Constitution - the U.S. Constitution takes precedent as the “Supreme Law of the Land”.

12. If a provision of legislation or regulation conflicts with federal statutory regulation - like the Civil Rights Act - stemming from or implicating constitutional protections - then the Federal Law / Civil Rights Act / Constitution - takes precedent

13. If a Third Circuit decision conflicts with the Supreme Court of the United States rulings on constitutionality - or the U.S. Constitution directly - the U.S. Constitution and Supreme Court rulings take precedent.

14. If there is a split between the circuits - can they both be right? Sometimes - if they are each reasonable in their interpretations.

15. If there is a split between the circuits - and one circuit (the Third Circuit) is inconsistent with Supreme Court rulings and principles / The U.S. Constitution - then the Third Circuit opinion is legally invalid and the proper holding is to find in favor of the position that is valid under the U.S. Constitution.

16. If a U.S. District Court - when presented with arguments not previously argued in other cases - is convinced that a Third Circuit holding violates the higher U.S. Constitution / Supreme Court interpretations thereof - **the District Court has the authority and justification to find in favor of the constitutionally valid position - not the invalid Third Circuit Position.**

## iii. Barr of City of Columbia and Similar Cases

17. *Bell v. Maryland* was one of five cases involving segregation protests decided on June 22, 1964. The other four cases were *Griffin v. Maryland*, 378 U.S. 130 (1964), *Barr v. City of Columbia*, 378 U.S. 146 (1964), *Robinson v. Florida*, 378 U.S. 153 (1964), and *Bouie v. City of Columbia*, 378 U.S. 347 (1964). The Supreme Court did not reach the merits of any argument addressing in any of those cases on whether private actions of segregation that were enforced by state courts were a state action violating the Equal Protection Clause of the Fourteenth Amendment.<sup>[2]</sup> The decisions were announced two days after the United States Senate ended a filibuster and passed the bill that would become the Civil Rights Act of 1964,<sup>[2]</sup> which outlawed segregation in public accommodations. It has been suggested that the Supreme Court refrained from reaching the merits in those cases in consideration of the Act to avoid eliminating the basis for passing the legislation.<sup>[2]</sup>

18. This led to *Hamm v. City of Rock Hill* - 379 U.S. 306 (1964) - On June 7, 1960, Arthur Hamm, Jr. and Reverend C. A. Ivory, both black, entered McCrory's Five and Ten Cent Store in Rock Hill, South Carolina. They made several purchases, then tried unsuccessfully to purchase food at the lunch counter. The store manager asked Hamm and Ivory to leave, but they refused to do so. The manager called the police, who again asked Hamm and Ivory to leave before finally arresting them.

The city of Rock Hill charged Hamm with willfully and unlawfully trespassing at McCrory's, in violation of city and state laws. He was tried in district court without a jury, found guilty and sentenced to pay a fine of one hundred dollars or serve thirty days in jail. The Court of General Sessions and the Supreme Court of South Carolina both affirmed his conviction. The Supreme Court of South Carolina cited other South Carolina cases involving sit-down demonstrations, noting that those defendants consistently and unsuccessfully invoked the Fourteenth Amendment's due process protections.

The Civil Rights Act, passed in 1964 while his appeal was pending, declared that all persons should be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation.

Question - Did the Civil Rights Act forbid discrimination towards black customers at McCrory's Five and Ten Cent Store if Hamm's appeal was pending when the law took effect?

Yes. In a 5-4 decision written by Justice Tom C. Clark, the Court held in a combined case that sit-in demonstrations could not be the subject of federal or state trespass prosecutions, and that any such convictions on appeal must be reversed. Justice Clark noted that the Court historically gave weight to the common law doctrine of abatement, which applied changes in law that occur after a trial court's judgment but before the decision of an appellate court to the original judgment. He explained that this rule did not depend on the explicit intention of Congress. As the Civil Rights Act clearly prevented the federal prosecution of individuals for attempting to make

use of public accommodations, Justice Clark held that it must also prevent state prosecutions through the supremacy clause.

**19. Justices William O. Douglas and Arthur J. Goldberg concurred. Justice Douglas characterized the Civil Rights Act as a means of enforcing protections already enshrined in the Fourteenth Amendment. Therefore, there was no real issue with applying it retroactively to already unconstitutional state prosecutions.**

20. As it can be seen - there is a direct connection between enforcement of the Civil Rights Act and the Equal Protection / Due Process Protections in the 14th Amendment.

21. The government cannot condone unequal treatment in legal holdings (even absent the civil rights act) because that in and of itself would violate the guarantee to due process and equal protection required by the U.S. Constitution -

## **II. QUESTIONS PRESENTED**

22. Should the ruling on irreparable damages be reversed on reconsideration as legal error.

(Suggested Answer: Yes - because the definition of irreparable damages is damages that cannot be remedied by money - and time / civil rights infringements for a period of time constitutes irreparable damages that cannot be remedied by money. Each day that passes with continued civil rights infringements is irreparable because the Plaintiff will not be able to get that day of unequal treatment back.

23. Should the ruling on likelihood of success be reversed on reconsideration as legal error?

(Suggested Answer: Yes - because the U.S. Constitutional principles argued in this case - that are not argued in any other cases preceding this one - as it connects cases such as Heart of Atlanta Motel / Barr v. City of Columbia / Hamm v. City of Rock Hill as a direct challenge to the Third Circuit opinions referenced in the opinion which present an explicit / facial / definitive case of unconstitutionality on the part of the Third Circuit - with the split in other circuits and reasoning in support thereof also favor a finding in favor of the Plaintiff - thereby warranting the TRO requested in the instant matter - the denial of which constitutes as reversible legal error.

## **III. ARGUMENT**

24. A thin line exists between -

“A private business is intrastate and not subject to the civil rights act - those minorities can simply go find another lunch counter” (which is a strong position to take)



and

“A private business is still subject to regulation under interstate commerce AND must be subject to civil rights regulations - because the argument of “just go to another lunch counter” defeats the purpose of civil rights protections. (*the stronger position that was taken by the Supreme Court*).

25. Notice - how both arguments can be made - and both arguments can be justified.

26. A conservative lawyer - could argue - “Hey - this is a private business - they have a *fundamental right* to the freedom of contract and to do business with whom they wish - *and* - if they are not conducting business across state lines - interstate commerce doesn’t apply!”

27. But notice how the Supreme Court has adopted the more progressive trend as of 1964 -

“Justice Douglas characterized the Civil Rights Act as a means of enforcing protections already enshrined in the Fourteenth Amendment. (Hamm v. City of Rockhill).

28. The Supreme Court could have adopted the more conservative position of -

“Hey - this is a private business - not in interstate commerce” -

But they instead chose the more progressive argument of

“We don’t care if it is a private business - and we don’t care if it only operates intrastate - it is *still* subject to Civil Rights protections - enforcing protections already enshrined in the 14th Amendment -”

Because that is that stronger argument to make - that is the better and more just argument to make -

29. Notice how in Dred Scott v. Sandford :: 60 US 393 (1856) - the Judge ruled that the Plaintiff was a slave and a descendant of a slave and therefore not an American citizen.

30. Was the 1856 Court more “just” than the 1964 Supreme Court? It would be hard to find someone in 2021 that holds that opinion.

31. Therefore - we must consider - **in light of 1964 Civil Rights Act Protections and U.S. Supreme Court laws and principles on Civil Rights enforcement on private businesses operating intrastate as businesses operating *interstate* -**

**Does the Third Circuit hyper-technicality of “public accommodations” not applying to “virtual places” - sound like a strong argument to make?**

**32. Doesn’t the better - stronger - more Constitutionally supported - more Supreme Court precedent supported - argument to make**

**The Arguments supported by the Circuits that Split from the Third more recently**

**“federal civil rights statutes would be thwarted if my position is not adopted”**

**That the distinguishing between physical and virtual for purposes of the Civil Rights Act applicability to virtual contexts - is not sufficient - because it thwarts civil rights protections - and that Courts must consider modern context and trends and situations -**

**Isn’t that more in line with the U.S. Supreme Court - that extended the definition of “interstate commerce” to include ‘intrastate commerce’ -**

**Isn’t it more in line to extend “physical accommodation” to include “virtual accommodation”?**

**33. HERE IS WHY YOU DO NOT HAVE TO EXTEND THE DEFINITION**

**34. What is a physical accommodation? A hotel - yes. A lunch counter - yes.**

**35. A “virtual” accommodation - is a deceitful term. There really is no such thing as “virtual”. From a computer science perspective - a “virtual” space is nothing more than a company based out of a physical location with servers / computers that are always on and running from that specific location - that other people access remotely - **physically** - thereby creating the “virtual” experience that is described by non-technical individuals.**

**36. A VIRTUAL CONTEXT IS NO LESS “PHYSICAL” THAN A MOTEL OR LUNCH COUNTER.**

**37. AND ADOPTING THIS DEFINITION DOES NOT REQUIRE AN EXTENSION OF THE FACT - (unlike the extension of ‘interstate commerce’ to apply to ‘intrastate commerce’).**

**38. Therefore, if the Supreme Court is willing to adopt the extension between interstate commerce to apply to intrastate commerce -**

**SURELY THE SUPREME COURT WOULD ADOPT THE NON-THIRD CIRCUIT HOLDING ON VIRTUAL CONTEXTS BEING SUBJECT TO THE CIVIL RIGHTS ACT -**

**RATHER THAN THE ARGUMENT THAT THEY ARE DIFFERENT.**

39. Furthermore, because the Third Circuit position **CONFLICTS WITH SUPREME COURT HOLDINGS ON THE U.S. CONSTITUTION - THEY ARE CONSTITUTIONALLY INVALID AND THIS COURT IS NOT BOUND BY THOSE OPINIONS -**

**BUT IS INSTEAD BOUND TO UPHOLD AND ENFORCE THE U.S. CONSTITUTION - WHICH IS SUPREME TO THE THIRD CIRCUIT OPINIONS.**

40. Furthermore, likelihood of success does not require absolute proof of success - but rather - a likelihood of success.

41. The **SUPREME** laws and arguments referenced herein - overrule the Third Circuit position cited in the opinion - and therefore the opinion constitutes legal error that can be reversed on reconsideration for the reasons stated herein.

#### **ii. Count 5 - Equity - Was Not Ruled On In Opinion**

42. Regardless of the arguments presented herein - this Court has *unlimited* authority in general equity - to restore parties to their whole position prior to the wrongful act - which really has no relation to the Civil Rights authorities referenced herein - but still warrants a decision in favor of the Plaintiff.

43. Plaintiff requests a ruling on Count 5 - Equity - as it pertains to the obtaining of a TRO herein as well.

#### **IV. CONCLUSION**

44. This should be persuasive enough to convince the Court (1) that irreparable damages does exist and (2) the likelihood of success actually favors the Plaintiff -

Sufficient enough to warrant the granting of a TRO.

45. The Constitutional Protections / Provisions and U.S. Supreme Court findings cited herein **are too substantially in favor of the Plaintiff's position to ignore.**

46. The Split in the Circuit also supports merits of the Plaintiff's arguments in the instant matter.

47. The trends in law - from DRED SCOTT to HAMM V. CITY OF ROCK HILL -

From the Third Circuit Opinion - to - S. Dakota v. Wayfair, Inc., 138 S.Ct. 2080, 2092 (2018) (describing the physical presence rule, with regard to whether internet sellers with no physical presence in South Dakota had to comply with a statute requiring them to collect and remit sales tax, as an “arbitrary and formalistic distinction” and stating that the Court “should focus on rules that are appropriate to the twenty-first century, not the nineteenth”) (internal quotations omitted).

Clearly - *Clearly* - not only the inevitable trend of law in the United States favors the Plaintiff’s position - and that likelihood of success on the merits once this matter is fully briefed and argued favors the Plaintiff -

The finding that the Plaintiff’s claim has no legal precedent in this Circuit is **legal error** because there is **precedent** in HAMM V. CITY OF ROCK HILL - as it pertains to equal protection enforcement through the civil rights act -

And so if the Third Circuit **CONFLICTS** with HAMM V. CITY OF ROCK HILL - then the ruling of the Third Circuit is invalid *as a matter of constitutional law precedent*.

Moreover - and this is one of the most important points -

48. WHEREAS HEART OF ATLANTA MOTEL HAS TO STRETCH INTERSTATE COMMERCE TO APPLY TO INTRASTATE COMMERCE -

THE APPLICABILITY OF “PHYSICAL ACCOMMODATIONS” APPLYING TO “VIRTUAL” SPACES REQUIRES NO STRETCH -

WHY?

BECAUSE A “VIRTUAL” SPACE IS REALLY A PHYSICAL SPACE AS A MATTER OF COMPUTER SCIENCE - AND A MATTER OF CIVIL RIGHTS LAW -

WHY?

BECAUSE A “VIRTUAL SPACE” - IS REALLY NOTHING MORE THAN A SERVER - CONTINUOUSLY OPERATED FROM A PHYSICAL LOCATION - WHICH IS ACCESSED REMOTELY BY USERS - ACCESSING THAT SERVER AT THAT PHYSICAL LOCATION - WHICH MAKES IT A “PHYSICAL ACCOMMODATION” NONETHELESS

THE TERM “VIRTUAL” IS A MYTH - THERE IS NO SUCH THING AS VIRTUAL - THERE IS ONLY REAL LIFE -

AND THEREFORE THE “PHYSICAL PUBLIC ACCOMMODATION **DOES** APPLY TO COMPANIES THAT PROVIDE ONLINE SERVICES

**REGARDLESS OF WHAT Wilson v. Twitter, 3:20-CV-00054, 2020 WL 3410349, at \*7 (S.D.W. Va. May 1, 2020), report and recommendation adopted, CV 3:20-0054, 2020 WL 3256820 (S.D.W. Va. June 16, 2020). SAYS -**

**BECAUSE THE WILSON V. TWITTER ARGUMENT CONFLICTS WITH THE U.S. CONSTITUTION - AND DOES NOT CONSIDER THE ARGUMENTS MADE HEREIN -**

(PERTAINING TO VIRTUAL SPACES ACTUALLY BEING PHYSICAL AS A MATTER OF COMPUTER SCIENCE)

(AND THE APPLICABILITY OF CIVIL RIGHTS TO INTRASTATE COMMERCE DESPITE THE 'UNMISTAKABLE LANGUAGE' THAT INTERSTATE / INTRASTATE IMPLIED)

49. Surely - if Supreme Court law is willing to stretch interstate commerce to apply to intrastate commerce -

Then the stretch between physical accommodations and virtual accommodations is valid as a matter of law - **because there is no stretch - virtual spaces are “physical” as a matter of computer science fact.**

50. Therefore, this Court should be convinced

- (1) That irreparable damages that cannot be remedied by money exists and
- (2) Likelihood of success on the merits favors the Plaintiff -

Sufficient enough to warrant reversal on consideration due to legal error.

And the GRANTING of a TRO in this matter pending full and final adjudication is also warranted - the denial of which based on the applicable facts and law is also legal error.

51. I hope the arguments presented herein are convincing - and I appreciate a full opinion and explanation of the applicability of these legal principles explained herein and their VALIDITY or invalidity

(hopefully you are convinced and persuaded the points herein are valid and meritorious)

(as well as unprecedented - no other case argues these civil rights principles in the context of Facebook / Twitter ‘virtual places’ as actual ‘physical accommodations’ as a matter of computer

science fact - and that no stretch is needed - unlike the stretch between intrastate / interstate commerce which *is made* in Supreme Court decisions - in order to enforce civil rights protections which are “a means of enforcing Civil Rights protections already enshrined in the 14th Amendment of the U.S. Constitution” as expressed by Justice William O. Douglas in *Hamm v. City of Rockhill* (1964).

52. The protections referenced herein are too *grand* and *important* not to adopt by this Court - especially given the trends in law - and the current and future needs of the United States of America at the present moment in 2021.

53. I said it before and I will say it again - Facebook is not above the law - even if a company is \$1 trillion or \$2 trillion or \$10 trillion - it is not above the law -

54. And no company has the right to treat people unequally on the basis of race - **as is explicitly complained of and evidenced by the Plaintiff in the instant matter.**

55. Therefore - likelihood of success on the merits is in favor of the Plaintiff - and so is the presence of irreparable damages.

56. Furthermore - Count V equity - which this Court has unlimited authority to enforce - was not referenced in the opinion that only considered Count 1 (public accommodation) Count 2 (contract) Count 3 and 4 - Negligent / Fraudulent Representation. - but it is not needed - because it looks like the Plaintiff is correct on the claim in Count I - based on the *grand* legal principles cited herein.

WHEREFORE, it is hereby respectfully requested that this Court reconsider the instant matter, and REVERSE the decision on the TRO due to legal error as referenced herein.

The explicit discrimination based on race and religion complained of in the instant matter by the Defendant Facebook are too gross and inexcusable not to take immediate action against.

And surely this Honorable Court, in light of the Supreme Court principles and dicta referenced herein, upon careful reconsideration, may agree - thereby warranting reversal on reconsideration as well as the GRANTING of a TRO that ORDERS Defendant to reverse their acts of inequality pending the full and final adjudication of the instant matter.

Respectfully Submitted,



Dated: December 23, 2021

Amro Elansari

Liberty And Justice For All

because the individuals from that case “could have simply went to another motel” - but what kind of United States would that be?

A **DRED SCOTT** United States? Do you want a **DRED SCOTT** United States?

Or do you want a **HAMM V. CITY OF ROCK HILL** United States?

Do you want a Wilson v. Twitter, (S.D.W. Va. June 16, 2020) United States?

Do you want a Peoples v. Discover Fin. Servs., Inc., 387 F. Appx. 179, 183 (3d Cir. 2010); see also Mahoney v. Herr Foods Inc., 19-CV-5759, 2020 WL 1979153, at \*3 (E.D. Pa. Apr. 24, 2020) (reinforcing Peoples by citing its “unmistakable language”). United States?

Or do you want an Elansari v. Meta (E.D. Pa, 2:21-CV-05325-JHS) - that directly identifies the flaws in the Third Circuit Peoples v. Discover Fin. Servs., Inc “unmistakable language” by showing that their “unmistakable language” interpretation is actually mistaken -

Because Virtual spaces operating out of Physical spaces are physical spaces nonetheless - which requires no stretching -

Unlike the stretching of interstate commerce to impact intrastate commerce in Heart of Atlanta Motel - which consists of “unmistakable language” - but was stretched nonetheless in the interest of Civil Rights - whereas this applicability of physical spaces to virtual contexts requires no stretching as a matter of computer science fact -

Which United States do you want - **DRED SCOTT** - or **HAMM V. CITY OF ROCK HILL**?

Which United States do you want - Peoples v. Discovery - wrongfully interpreting the Civil Rights Act as a matter of computer science and fact?

Or Elansari v. Meta (E.D. Pa, 2:21-CV-05325-JHS) - that properly interprets the applicability of Constitutional and Civil Rights Law as well as Supreme Court dicta to the issue - and shows the constitutional legal error in the Third Circuit has held - which this Court actually has a sworn obligation to enforce (the Supreme Court / Constitutional Law as the Supreme Law of the Land - that overrides the Third Circuit decisions as a matter of constitutional law.

I hope that you will find that Elansari v. Meta (E.D. Pa, 2:21-CV-05325-JHS) has presented arguments not as detailed or specific as any other case - and warrant the exceptional relief requested herein in the interests of justice; a case worthy of 2021 and the future of U.S. law.

Only reverse if you truly believe the Third Circuit position is erred as a matter of constitutional law and you are convinced by the arguments and GRAND / SUPREME legal authority cited herein as well as relevant fact.

I believe that enough has been presented to warrant reconsideration and the granting of the TRO requested in the instant matter; and I hope you do as well.

Because this is either going to be a **DRED SCOTT** Court - or a **HAMM V. CITY OF ROCK HILL** Court -

But neither will stop the inevitable progression of American law towards true justice and equity.

20 years from now - the Third Circuit opinion will most likely / certainly be invalidated as a matter of law - and the Third Circuit will look foolish for having adopted such a faulty opinion -

Just like the Court did in **DRED SCOTT**.

Long after the **DRED SCOTT** Court ruled - and retired - and was later overruled -

Look at their legacy - and ask yourself which side of history you want to be on.

Maybe this is the case that definitively and correctly and accurately applies Civil Rights laws to Meta / virtual spaces as a matter of Constitutional Law and resolves the disputes between the circuits.

It starts - with the granting of the TRO in the instant matter.

And placing the Civil Rights violator - Facebook / Meta - on the defensive from the start of the case. Moreover, Counsel for Facebook - Michael Green from the GSG Law Firm - has messaged the Plaintiff informing them they are authorized to accept service on behalf of Meta - after which they were notified of the instant TRO. Thereby satisfying that requirement as well.



WHEREFORE, it is hereby respectfully requested that this Court reconsider the instant matter, and REVERSE the decision on the TRO due to legal error as referenced herein.

Respectfully Submitted,



Dated: December 23, 2021

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Amro Elansari  
Liberty And Justice For All

Not bad for a *pro-se* litigant - eh?  
I thank Almighty God of Abraham and Moses

And Penn State Law - Constitutional Law II (advanced Constitutional Law) - taught by Dr. Victor Romero - and administered by the other teachers and administrators there.

And the PA Superior Court / U.S. District Court for forcing me to improve my writing case by case - by being very harsh and hard on even the simplest and most basic cases -

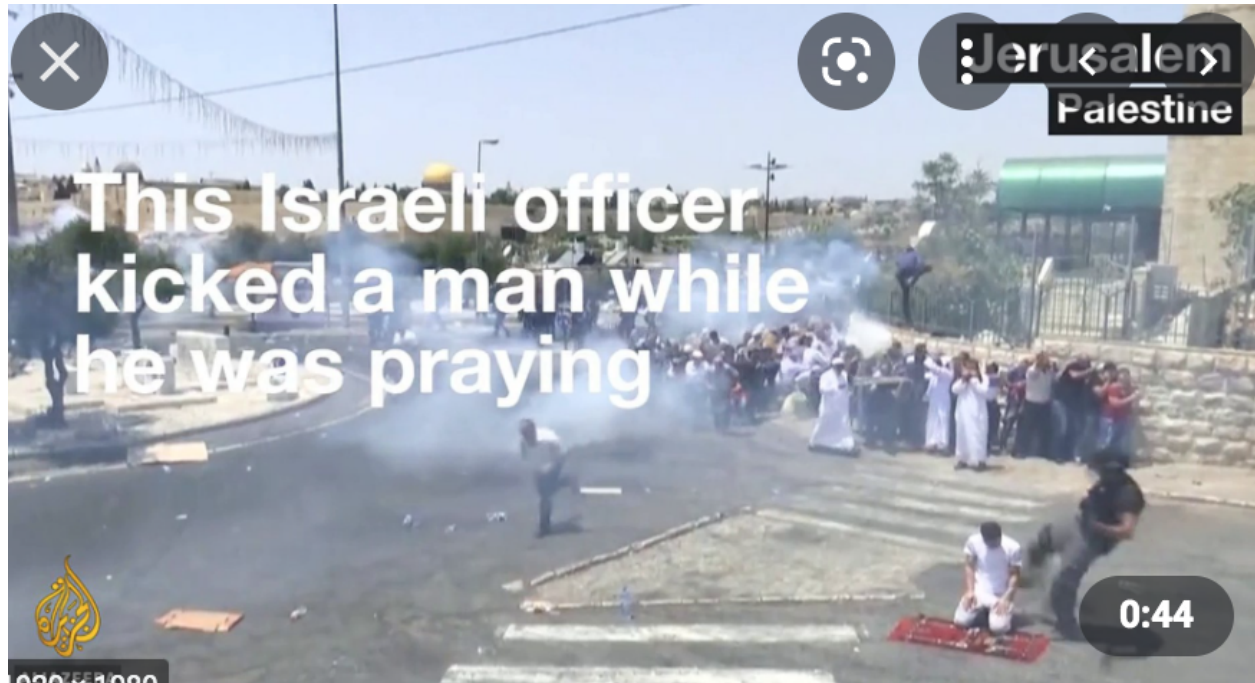
I still have a lot of improvement on my writing and arguing to do - but I am a much better legal writer and arguer today than I was when I started - and maybe now I can work on vacating previous decisions based on legal error - now that I have been around the legal block more than a few times.

Regardless of the outcome of this reconsideration - **expect a very aggressive and relentless litigation on this matter** - as you can see - my points are already developed for winning the full and final outcome of this litigation - in this Court and appeal. My points for briefing are ready for when Facebook files its motion to dismiss - as well as the authorities the Court has in mind with regards to the points raised in the instant matter - and my responses and arguments against the same - which are set forth herein. So let the litigation begin -

Hopefully with the GRANTING of the TRO requested in the instant matter - because this case is in my favor - and my position in this case is more worthy of victory on the merits than not - which means that likelihood of success on the merits is in my favor - and the TRO should be granted. And I am legally owed a little more respect than “go to another news source” the same way African Americans are owed a little more respect than “go to a different lunch counter” - when it comes to the infringement of civil rights over time and irreparable damages.

Do you think - for a second - that CNN - or Fox News - or Jerusalem Post - or any of the other biased news sources -

Are going to show me this image



of a Holy Worshiper being kicked by an Israeli / Jewish Rejector of Jesus Christ the Messiah and the Holy Gospel funded by U.S. Taxpayer dollars?

You think those biased news sources are going to show me this image? That then prompted me to immediately create a protest sign that said "Jews Reject Jesus Christ the Messiah" and "Burn In Hell Jews" and "Jews Caused 9/11" (by engaging in war crimes that prompted Muslim Jihadists to attack America on 9/11 for funding these people that reject Jesus Christ the Messiah and the Holy Gospel to engage in unholiness on the Holy Land they were rejected from 2000+ years ago for their rejection of Jesus Christ?)

You think CNN or Fox News or Jerusalem Post is going to show me the truth and the reality of what is going on? The War Crimes taking place funded by American Taxpayer Dollars?

In the name of rejecting Jesus Christ the Messiah / The Holy Gospel (because Jewish people reject Jesus Christ as a fraud - and that is why they are doing what they are doing)?

You must mistake me for some sort of sucker. You must mistake me just as Dred Scott was mistaken.

Telling me to find another news source - as if you're telling an African American to find another lunch counter.. -

Regardless of the outcome of this case - let me show you a glimpse of what God Almighty of Abraham and Moses promises the nonbelievers -



God Almighty of Abraham and Moses promises a **severe penalty** for the nonbelievers that reject the Holy Prophets and the wrongdoers -

Record Tornadoes in December? Could it be Global Warming? Or could it be because the U.S. funds the destruction of homes in Holy Palestine - which prompted the destruction of 250 miles of homes and buildings all throughout the United States in just one night.

You know - even Jews - Christians - and Muslims can agree - Moses came to Pharaoh with the signs - clear as day - when he threw the staff and it turned into a snake - and when the plague came - and when it rained frogs -

Moses showed Pharaoh signs clear as day - and some people disbelieved -

You can see that tornado above - and either believe - or disbelieve - that choice is yours.

And you can look at this picture here - and see who God Almighty of Abraham and Moses accepts on the Holy Land - and who he has rejected for 2000+ for their rejection of Jesus Christ the Messiah and Prophet of God Almighty of Abraham and Moses -



That is not even counting the Blessed Prophet Muhammad (Peace And Blessing Upon His Name) - which is the Holiest Prophet that the prayers of those ACCEPTED Holy Palestinian Worshipers are based on -

You think the Prophet Muhammad (Peace And Blessing Upon His Name) made it up?

You think he made up getting up at 5 am for prayer? You think he made up seeing the Angel Gabriel who relayed to him the words of the Holy Quran - which confirm the Holy Torah and Holy Gospel - but orders the acceptance of Jesus Christ the Messiah (unlike Jews) and orders not worshiping anyone or anything as God Himself (unlike Christians who worship Jesus as God himself) -

You think he made it up? A person that could not read or write - you think he made up the Holy Quran / the Holy Book on his first try?

You *saw* how many tries at writing it took me just to improve - you think he got it right on the first try?

Some people believe - and some people don't believe -

Some people like Pharaoh see signs clear as day - and still don't believe -

But the fact is - Islam is the fastest growing religion in the world - going from 1.1 billion in 1990 to 1.9 billion in 2021 -

You think it's made up? You think Jesus Christ and the Holy Gospel is made up?

That's what the U.S. Taxpayer funded Jewish / Israelis believe - and that is the purpose behind their committing of war crimes -

And while Facebook allows their racist / war criminal / rejects of Jesus Christ groups flourish on their platform - they have been actively working with the Israeli government to silence Holy Palestinian believers of Jesus Christ the Messiah and the Oneness of God Almighty so that Muslims like me do not have a fair chance at obtaining the truth -

But you saw what the fate of nonbelievers and wrongdoers is -

You know what happened to Pharaoh -

And You see what that record Tornado Outbreak in December just 2 weeks ago looks like -

But if you think that CNN and Fox News and Jerusalem Post are going to show me pictures of war crimes committed by U.S. funded Israelis - you must mistake me for some sort of sucker.



Make your choice and decision - I eagerly await - and I would not want to be one of those that rejects Jesus Christ the Messiah and the Holy Bible -

That's what Jewish people are -

And the people that fund them and support them are essentially the same.

In this world - you either believe in Jesus Christ the Messiah and the Holy Gospel - and the Oneness of the Almighty God of Abraham and Moses - or you don't.

And we all know the fate of believers - and nonbelievers. I don't think I need to explain.



But even after the war crimes - who is left standing on the Holy Land of Moses in the Holy Torah and Holy Bible each Friday?

Those aren't Jews or Christians in the picture - They don't reject Jesus Christ the Messiah - and they also don't worship Jesus Christ or any of the other Holy Prophets as God Almighty himself

They are Muslims - strict monotheists - and believers of ALL of God's Holy Prophets - not just some of them.

You think CNN or Fox News or Jerusalem Post is going to show these images?

No wonder most Americans are skipping sunday church - and gambling - and drinking alcohol - and forgetting God Almighty - and heading towards a downward path towards their own demise

Because their media and information has been hijacked by nonbelievers who have been picking and choosing what to feed the unknown and unsuspecting American population -

just like Facebook is accused of picking and choosing what people see and don't see based on religion and race -

Why did the United States get attacked on 9/11?

Why did the United States spend \$2 trillion on endless Middle East War in Afghanistan - only to wake up and find itself behind China and Russia in hypersonic missiles and 5g technology?

Why is the U.S. on the decline as a world power in only 50 short years - hardly any time at all?

I can't answer all of your questions - but we will all find out soon enough - who the believers are - and who the nonbelievers are -

Who is right - and who is wrong -

But if you think CNN or Fox News or Jerusalem Post is going to show me these pictures of non-believer war crimes - you must mistake me for some sort of sucker.

And if you think that Facebook discriminating against groups based on race / religion is not a clear and explicit of the civil rights act and Supreme Court legal precedent and the Constitution of the United States - you must mistake me for some sort of sucker.

I have given you more than enough to grant the TRO in the instant matter - and now I am demanding justice pursuant to the due process of law.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Amro Elansari', with a stylized, cursive script.

Dated: December 23, 2021

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Amro Elansari

Liberty And Justice For All

**Whether You Believe Or Disbelieve Is Up To Only You**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>AMRO ELANSARI,</b>	:	
<b>PLAINTIFF,</b>	:	
<b>VS.</b>	:	<b>: CASE NO: CASE NO: 21 - 05325</b>
<b>META, INC. D/B/A FACEBOOK</b>	:	
<b>DEFENDANT</b>	:	

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**AFFIDAVIT THAT OPPOSING COUNSEL HAS BEEN NOTIFIED OF TRO**

I, Amro Elansari, certify that the Opposing Party - by and through counsel Michael Green, Esq., from the GSG law firm - has been notified of the seeking of a TRO matter in the instant matter.

Respectfully Submitted,



Dated: December 23, 2021

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>VS.</b>	:	<b>: CASE NO: 21 - 05325</b>
<b>META, INC. D/B/A FACEBOOK</b>	:	
<b>DEFENDANT</b>	:	

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**PROPOSED ORDER**

AND NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, upon consideration of the Plaintiff's **Petition for Consideration and Brief In Support Thereof** as well as Complaint At Law And In Equity and the Plaintiff's Petition For Preliminary Injunctive Relief filed simultaneously therewith, it is hereby ORDERED that the Petition for Reconsideration is GRANTED and the Petition For Preliminary Injunctive Relief (TRO) is hereby GRANTED and that the Defendant is hereby preliminarily enjoined as follows:

- A. RESTORING THE PALESTINE / MUSLIM / ARAB NEWS SOURCE FACEBOOK PAGE TO ITS PREVIOUS STATUS PRIOR TO THE UNLAWFUL AND UNEQUAL SHUTTING DOWN OF THIS PAGE WITHOUT BASIS DURING THE WEEK OF NOVEMBER 22, 2021 WHILE JEWISH / ISRAEL PAGES WERE NOT (WITH EVIDENCE PROVIDED THAT EXPLICIT COMMUNICATION BETWEEN THE DEFENDANT AND THE FOREIGN GOVERNMENT OF ISRAEL AS PROOF THAT THIS INTENT TO TREAT ONE RELIGION / RACE DIFFERENT TO ANOTHER IS PRESENT)
- B. RESTORING OTHER PALESTINE / MUSLIMS / ARAB NEWS PAGES THAT HAVE ALSO BEEN WRONGFULLY AND UNLAWFULLY DURING THE WEEK OF NOVEMBER 22, 2021 WHILE JEWISH / ISRAEL PAGES WERE NOT (WITH EVIDENCE PROVIDED THAT EXPLICIT COMMUNICATION BETWEEN THE DEFENDANT AND THE FOREIGN GOVERNMENT OF ISRAEL AS PROOF THAT THIS INTENT TO TREAT ONE RELIGION / RACE DIFFERENT TO ANOTHER IS PRESENT)
- C. ANY AND ALL OTHER RELIEF DEEMED NECESSARY AND APPLICABLE

UNDER PENALTY OF CONTEMPT OF COURT FOR FAILURE TO DO SO.

BY THE COURT:

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